

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHEVRON CORPORATION, :
:

Plaintiff, :
:

- against - :
:

STEVEN DONZIGER, et al., :
:

Defendants. :
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/6/2020

11-cv-691 (LAK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This Order resolves the motion of non-parties Johsua Rizack and The Rising Group Consulting, Inc. (collectively “Rizack”) for payment of reasonable attorneys’ fees and modification of deadlines associated with the subpoena defendant Chevron, Inc. served on Rizack. Having considered the parties’ submissions, prior proceedings, the applicable standard under Fed. R. Civ. P. 45(d), and relevant factors as determined by precedent, the Court orders as follows:

1. Rizack’s motion is timely and proper in light of developments following the September 13, 2019 hearing.
2. Starting with the date that Rizack filed the instant motion, December 3, 2019, Plaintiff Chevron Corp. shall pay reasonable attorneys’ fees and expenses incurred by Rizack in his efforts to comply with the subpoena.
3. Following completion of his production of documents in response to the subpoena (as modified by the protocol for discovery of electronically stored information (the “Protocol”) or any other agreements between the parties or ordered by the Court), Rizack may renew his application for reasonable

attorneys' fees and expenses incurred prior to December 3, 2019. In light of the briefing already before the Court on the instant motion, such application shall be made by letter of no more than three pages. No later than seven days thereafter, Chevron may respond by letter of no more than three pages. No later than seven days thereafter, Rizack may reply by letter of no more than three pages. Based on the parties' letter briefing, the Court will determine next steps.

4. Any application for fees must be supported by attorney declaration(s) and billing records, which may be filed under seal and served on Chevron in redacted form to the extent those records contain material protected as privileged or attorney work product.
5. The parties shall meet and confer in good faith to reset any deadlines remaining under the Protocol.

The Clerk of Court is respectfully requested to terminate the motion at Dkt. 2402.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: January 6, 2020
New York, New York

Copies transmitted to all counsel of record via ECF.